APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,903	03/25/2004	Keith Salvucci	119-0027US	7264

29855 7590 06/20/2007		EXAMINER
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.		ULRICH, NICHOLAS S
20333 SH 249		

ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
06/20/2007	PAPER

Address (continued):
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI, L.L.P.
20333 SH 249
SUITE 600
HOUSTON, TX 77070

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/809,903	SALVUCCI, KEITH
	Examiner	**Art Unit**	
	Nicholas S. Ulrich	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>10 April 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-29 are pending.

2.   Claims 1, 11, 12, 17, 21, and 24-25 are amended

3.   Claims 1-29 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Antony

Bolante (Premiere 6.5 for Windows and Macintosh: Visual Quickstart Guide).

In regard to claim 1, Bolante discloses a method for editing an media file

comprising one or more media segments, using software designed for use on a general-

purpose computer, the software having a graphical user interface comprising a cursor

and an iconographic timeline indicating different locations within the file, the method

comprising *(Pg 9 Paragraph 4: Bolante discusses using Premiere for editing digital*

video, audio, still images, and text (which are all considered media files) on a desktop

computer; Pg 16 Paragraph 2: Bolante discusses operating systems to run the program;

Pg 23 Paragraph 1 lines 3-4: Bolante discusses the graphical representation of media

clips arranged in a timeline window; and Pg 24 Figure 7.5 and Paragraph 1: Bolante

shows and discusses the user interface and cursor associated with Premiere):

receiving from a user interface signals corresponding to positioning the cursor

over the timeline in a position corresponding to an endpoint of a media segment *(Pg 24*

Paragraph 4: Bolante discusses moving the pointer (or cursor) within the timeline to the

outpoint on the right edge of the clip. The outpoint is considered the endpoint);

receiving from the user interface signals corresponding to grabbing and moving

the endpoint within the timeline *(Pg 24 Paragraph 5 - Pg 25 Paragraph 2);*

providing audio scrubbing of the media segment together with and corresponding

to the movement of the endpoint *(Pg 1 Paragraph 1: Bolante discusses seeing an*

effect right away by scrubbing; Pg 2 Paragraph 2 line 2-3: Bolante discusses scrubbing

on the timeline outputs video and audio; and Pg 3 Paragraph 5);

and changing the length of the media segment in response to the movement of

the endpoint within the timeline (Pg 24 Paragraph 5 - Pg 25 Paragraph 2).

In regard to claim 2, Bolante discloses the method further comprising displaying

an iconographic affordance indicating available directions for moving the endpoint *(Pg*

24 Paragraph 4 line 2: Bolante demonstrates and shows the trim out tool where the

pointer (or cursor) changes to the image shown).

In regard to claim 3, Bolante discloses the method wherein the affordance comprises an arrow *(Pg 24 Figure 7.5: Bolante enlarges a view of the trim out tool which contains arrows as shown in the Figure).*

In regard to claim 4, Bolante discloses the method wherein an iconographic representation of the endpoint changes to indicate whether the segment length may be changed *(Pg 25 Paragraph 2: Bolante inherently shows that the endpoint changes to indicate whether the segment length may be changed by switching between a folded edge and a normal edge. When the edge is folded, the user knows that the endpoint cannot be extended any further. When the edge is not folded the user knows that the endpoint can be extended).*

In regard to claim 5, Bolante discloses the method wherein the iconographic representation of the endpoint comprises squared edges to indicate that the segment has been trimmed *(Pg 25 Paragraph 2: Bolante discusses that when the clip cannot be extended any further a folded corner is displayed on the edge. This inherently shows that if the endpoint had been shortened from its maximum length, then the folded corner would not be present and a squared corner would indicate that the endpoint had been shortened).*

In regard to claim 6, Bolante discloses the method wherein the iconographic representation of the one or more endpoints comprises rounded edges to indicate that

the segment has not been trimmed *(Pg 25 Paragraph 2: Bolante discusses that when the clip cannot be extended any further a folded corner is displayed on the edge. This inherently shows that if the endpoint had not been trimmed then it would be full length and display a folded corner to indicate that it had not been trimmed).*

In regard to claim 7, Bolante discloses the method further comprising: displaying representative frames corresponding to the audio video segment endpoint *(Pg 25 Paragraph 1: Bolante discusses using edge viewing which displays the current edge frame).*

In regard to claim 8, Bolante discloses the method wherein the media file is an audio/video file *(Pg 9 Paragraph 4: Digital video is well known in the art to be an audio/video file because it can contain both audio and video).*

In regard to claim 9, Bolante discloses the method wherein the media file is an audio file *(Pg 9 Paragraph 4).*

In regard to claim 10, Bolante discloses the method wherein the media file is a video file *(Pg 9 Paragraph 4).*

In regard to claims 11-20, Computer readable medium claims 11 through 20 correspond generally to method claims 1 through 10, respectively, and recite similar features in readable medium form, and therefore are rejected under the same rationale.

In regard to claim 21, Bolante discloses a graphical user interface for a media editing program executed by a general purpose computer, the graphical user interface comprising (Pg 16 Paragraph 2: Bolante discusses the operating systems that run the program which inherently shows the use of a general purpose computer; and Pg 24 Figure 7.5: Bolante shows the user interface):

a cursor (Pg 24 Paragraph 2: The selection tool is considered a cursor);

an iconographic timeline, wherein the cursor may be movably positioned along the iconographic timeline (Pg 23 Paragraph 1 lines 3-4: Bolante discusses a timeline window graphically representing clips of the program arranged in time; and Pg 24 Paragraph 1: Bolante discusses using the default tool and positioning it at a clip edge in the timeline);

an iconographic illustration of one or more endpoints of a media segment, the endpoints being located along the timeline, wherein the cursor changes appearance when positioned proximate an endpoint of the media segment to indicate that a length of the media segment may be changed (Pg 24 Paragraph 2 - Pg 25 Paragraph 2: Bolante discusses the tool changing when placed on the edge of a media segment and also discusses the edge of the media segment displaying a folded corner when the edge cannot be moved out any further)

and an audible feedback mechanism corresponding to contents of the media

segment at a location of the cursor, whereby audio scrubbing together with and

corresponding to movement of the endpoint is provided *(Pg 1 Paragraph 1: Bolante*

discusses seeing an effect right away by scrubbing; Pg 2 Paragraph 2 line 2-3: Bolante

discusses scrubbing on the timeline outputs video and audio; and Pg 3 Paragraph 5).

In regard to claim 22, Bolante discloses the graphical user interface wherein the

cursor changes appearance to an arrow indicating one or more directions in which the

endpoint of the media file may be moved, the movement of the endpoint corresponding

to a change in the length of the media segment *(Pg 24 Paragraph 2-5).*

In regard to claim 23, Bolante discloses the graphical user interface wherein the

iconographic representation of the one or more endpoints changes to indicate whether

the segment length may be changed *(Pg 25 Paragraph 2).*

In regard to claim 24, Bolante discloses the graphical user interface wherein the

iconographic representation of the one or more endpoints includes squared edges to

indicate that the segment has been trimmed *(Pg 25 Paragraph 2: Bolante discusses*

that when the clip cannot be extended any further a folded corner is displayed on the

edge. This inherently shows that if the endpoint had been shortened from its maximum

length, then the folded corner would not be present and a squared corner would indicate

that the endpoint had been shortened).

In regard to claim 25, Bolante discloses the graphical user interface wherein the iconographic representation of the one or more endpoints includes rounded edges to indicate that the segment has not been trimmed *(Pg 25 Paragraph 2: Bolante discusses that when the clip cannot be extended any further a folded corner is displayed on the edge. This inherently shows that if the endpoint had not been trimmed then it would be full length and display a folded corner to indicate that # had not been trimmed)*

In regard to claim 26, Bolante discloses the graphical user interface further comprising: at least one representation of media corresponding to the endpoint *(Pg 25 Paragraph 1: Bolante discusses using edge viewing which displays the current edge frame).*

In regard to claim 27, Bolante discloses the graphical user interface wherein the media segment is an audio/video file *(Pg 9 Paragraph4: Digital video is well known in the art to be an audio/video file because it can contain both audio and video).*

In regard to claim 28, Bolante discloses the graphical user interface wherein the media segment is an audio file *(Pg 9 Paragraph 4).*

In regard to claim 29, Bolante discloses the graphical user interface wherein the media segment is a video file *(Pg 9 Paragraph 4).*

Response to Arguments

5.   Applicant's arguments with respect to claim 1-29 have been considered but are moot in view of the new ground(s) of rejection.

6.   Further, applicant believes that Bolante fails to disclose providing audio scrubbing of the media segment corresponding to movement of the endpoint.

The examiner disagrees.

Bolante discusses the ability to see an effect right away by scrubbing and further discusses how settings can be changed to provide audio feedback along with scrubbing within the timeline. The timeline of Bolante invention deals with editing and manipulating segments of media files. Included in this timeline is the ability to trim segments of the media file and also provides methods for scrubbing within the timeline in order to find a precise location within the media file *(see rejections of independent claims above for reference locations)*.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

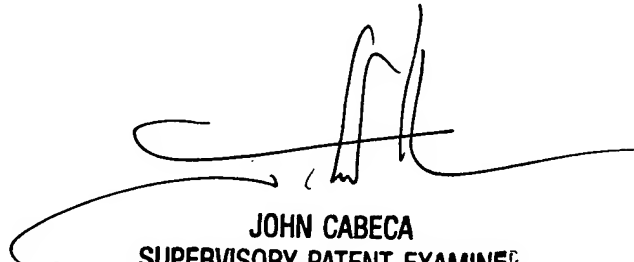than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nicholas S. Ulrich whose telephone number is 571-270-

1397. The examiner can normally be reached on M-TH 9:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cabeca can be reached on 571-272-4048. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nicholas Ulrich
6/12/2007
2173

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100